

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

May include the following:

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

*** Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

*** Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

225 N. Roberts

Helena MT 59620-1201

2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE NATURAL RESOURCES COMMITTEE

Date: Monday, March 30, 2015

Place: Capitol

Time: 3:00 PM

Room: 172

BILLS and RESOLUTIONS HEARD:

SB 47 - Increase assessments on owners of classified forest land - Sen. JP Pomnichowski
SB 325 - Revise process for adopting water quality regulations - Sen. Jim Keane
SB 329 - Limit liability for aviation on state lands - Sen. Pat Connell

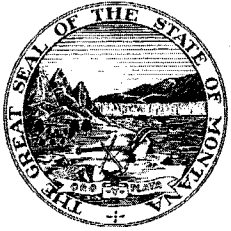
EXECUTIVE ACTION TAKEN:

SB 102	Be concurred in
SB 118	Be tabled
SB 355	Be concurred in as amended
SB 361	Be concurred in

Comments:



REP. Kerry White, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE: 3/30/2015

NAME	PRESENT	ABSENT/EXCUSED
REP. ED LIESER, VICE CHAIRMAN		✓
REP. JERRY BENNETT		✓
REP. BOB BROWN	✓	
REP. ZACH BROWN		✓
REP. VIRGINIA COURT	✓	
REP. MARY ANN DUNWELL	✓	
REP. STEVE FITZPATRICK, VICE CHAIRMAN	✓	
REP. KELLY FLYNN	✓	
REP. THERESA MANZELLA	✓	
REP. NATE MCCONNELL	✓	
REP. DALE MORTENSEN	✓	
REP. MARK NOLAND	✓	
REP. ANDREA OLSEN	✓	
REP. KEITH REGIER	✓	
REP. RAY SHAW	✓	
REP. SCOTT STAFFANSON	✓	
REP. KATHLEEN WILLIAMS	✓	
REP. KERRY WHITE, CHAIR	✓	

18 MEMBERS



HOUSE STANDING COMMITTEE REPORT


March 30, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 102** (third reading copy -- blue) **be concurred in.**

Signed:


Representative Kerry White, Chair

To be carried by Representative Kerry White


- END -

Committee Vote:

Yes 17, No 1

Fiscal Note Required X

SB0102001SC15255.hbb


3/30/15
5:30pm

BILL TABLED NOTICE

HOUSE NATURAL RESOURCES COMMITTEE

The HOUSE NATURAL RESOURCES COMMITTEE TABLED

SB 118 - Clarify water right not abandoned if conveyance disrupted - Sen. Bradley Hamlett

by motion, on **Monday, March 30, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Chief Clerk of the House)

10:45 , 3/31/15
(Time) (Date)

March 31, 2015 (10:21am)

Sherri Row, Secretary

Phone: 444-4877



HOUSE STANDING COMMITTEE REPORT

March 30, 2015

Page 1 of 11

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 355** (third reading copy -- blue) be concurred in as amended.

Signed:

[Signature]
Representative Kerky White, Chair

To be carried by Representative Steve Fitzpatrick

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "REVISING"

Insert: "ESTABLISHING REQUIREMENTS FOR"

Following: "USE"

Insert: "AND REIMBURSEMENT"

Following: "FEDERAL"

Insert: "PETROLEUM"

2. Title, page 1, line 5.

Strike: "BROWNFIELDS SITES"

Insert: "PETROLEUM TANK RELEASE SITES"

Following: "MONTANA"

Insert: "PETROLEUM"

3. Title, page 1, line 11.

Following: "DEPARTMENT"

Insert: "AT CERTAIN PETROLEUM TANK RELEASE SITES"

Strike: "SECTION"

Insert: "SECTIONS 75-11-307 AND"

4. Page 1, line 16.

Strike: everything after the enacting clause

Insert: "NEW SECTION. **Section 1. Short title.** [Sections 1 through 6] may be cited as the "Montana Petroleum Brownfields

Committee Vote:

Yes 10, No 8

Fiscal Note Required X

SB0355001SC12595.hbb

ML
3/30/15
6:30

Revitalization Act".

Insert: "NEW SECTION. Section 2. Findings and intent -- purposes. The legislature finds that:

(1) real properties exist across the state where the stigma of petroleum contamination hinders the development or best use of the property. These petroleum-contaminated properties may be eligible for petroleum brownfields funding.

(2) the cleanup of petroleum brownfields sites should be encouraged and facilitated to reduce threats to human health and the environment, prepare properties for reuse and redevelopment, and return property to local tax rolls;

(3) the petroleum tank release cleanup fund established in 75-11-313 is not sufficient to immediately address all petroleum tank release sites in Montana in a timely and comprehensive manner; and

(4) the department should encourage the use of federal brownfields money obtained by grant recipients for assessment and remediation at eligible petroleum brownfields sites and to leverage federal funds and limit costs imposed on Montana citizens."

Insert: "NEW SECTION. Section 3. Definitions -- application.

(1) The definitions used in [sections 1 through 6] are for the purpose of determining the eligibility of petroleum release sites to receive and expend federal brownfields funding received by a grant recipient from the United States environmental protection agency under the federal Brownfields Revitalization Act, Title II of Public Law 107-118.

(2) As used in [sections 1 through 6], the following definitions apply:

(a) "Department" means the department of environmental quality provided for in 2-15-3501.

(b) "Grant recipient" means a city, town, county, consolidated city-county, tribal government, economic development organization, nonprofit organization, or state agency that has received federal brownfields money from the environmental protection agency.

(c) "Person" means an individual, firm, trust, estate, partnership, company, association, joint-stock company, syndicate, consortium, commercial entity, corporation, state government agency, or local government.

(d) "Petroleum brownfields sites" means real property where the expansion, redevelopment, or reuse is or may be complicated by the presence or perceived presence of petroleum contamination.

(e) "Petroleum tank release site" means a site where there has been a release from a petroleum storage tank and assessment, remediation, or both are being pursued in accordance with Title 75, chapter 11, part 3.

(f) "Potentially liable person" means a grant recipient who:

(i) dispensed or disposed of, or owned the site when others dispensed or disposed of, petroleum or petroleum product at the site;

(ii) exacerbated existing petroleum contamination at the site; or

(iii) failed to take reasonable steps with regard to petroleum contamination at the site.

(g) "Reasonable steps" means, as appropriate, stopping continuing releases, preventing threatened future releases, or preventing or limiting human, environmental, or natural resource exposure to earlier petroleum or petroleum product releases. The term may include limiting access to the property, monitoring known contaminants, and complying with state, local, or both state and local requirements.

(h) "Relatively low risk" refers to a petroleum tank release site that is not being assessed, investigated, or cleaned up by the department using funds from the federal leaking underground storage tank trust fund and is not subject to a response under the federal Oil Pollution Act.

(i) "Responsible party" means:

(i) a person who is responsible for conducting the assessment, investigation, and cleanup at a petroleum tank release site as determined through:

(A) a judgment rendered in a court of law or an administrative order;

(B) an enforcement action by federal authorities or the department; or

(C) a citizen suit, contribution action, or other third-party claim brought against the current owner of the petroleum tank release site; or

(ii) a current owner of a petroleum tank release site who:

(A) dispensed or disposed of petroleum or petroleum product contamination at the site;

(B) exacerbated existing petroleum contamination at the site;

(C) owned the site when any dispensing or disposal of petroleum by others took place; or

(D) failed to take reasonable steps with regard to petroleum contamination at the site.

(j) "Viable responsible party" means a responsible party who is determined by the department in accordance with [section 4] to have the financial capability to conduct the assessment, investigation, or cleanup activities at a petroleum tank release site."

Insert: "NEW SECTION. Section 4. Viability. (1) For the purpose of determining the viability of a responsible party, the department shall presume that:

(a) ongoing businesses or companies and government entities are viable unless there is information suggesting that the presumption is not appropriate and the department determines the information is sufficient to rebut the presumption in a particular case; and

(b) individuals and defunct or insolvent companies are not viable unless there is information suggesting that the

presumption is not appropriate and the department determines the information is sufficient to rebut the presumption in a particular case.

(2) The department may not determine that a responsible party is viable based solely on the fact that the owner or operator of the petroleum tank release site is eligible to be reimbursed by the petroleum tank release compensation board established in 2-15-2108 from the petroleum tank release cleanup fund established in 75-11-313.

(3) It is a grant recipient's responsibility to provide the department with sufficient financial information about a responsible party identified in a petroleum brownfields site eligibility application to determine whether the responsible party is a viable responsible party."

Insert: "NEW SECTION. Section 5. Brownfields site eligibility at petroleum tank release sites -- determinations and limitations.

(1) Before a grant recipient may expend federal brownfields funds at a petroleum tank release site, either the United States environmental protection agency or the department shall make a written determination that:

(a) the petroleum tank release site is of relatively low risk compared to other petroleum-contaminated sites;

(b) there is no viable responsible party for the petroleum tank release site;

(c) the petroleum tank release site will not be assessed, investigated, or cleaned up by a potentially liable person; and

(d) the petroleum tank release site is not subject to an order under section 9003(h) of the federal Solid Waste Disposal Act (42 U.S.C. 6991b(h)) or Title 75, chapter 11.

(2) After the department or the United States environmental protection agency determines that a petroleum tank release site is eligible for federal brownfields funding, the department shall encourage and may not limit the use of a grant recipient's federal petroleum brownfields funding at the site even if the site owner or operator, as defined in 75-11-302, is eligible for funding from the petroleum tank release cleanup fund established in 75-11-313.

(3) The department may not limit the use of money from the petroleum tank release cleanup fund established in 75-11-313 when used as a commitment to a federal brownfields loan made by a grant recipient for remediation at a petroleum tank release site.

(4)(a) Except as provided in subsection (4)(b), a determination made by the department or the United States environmental protection agency that a petroleum tank release site is eligible for federal brownfields funding does not limit or alter the owner's or operator's responsibility to assess or remediate the petroleum tank release site in accordance with Title 75, chapter 11.

(b) If the department determines that a grant recipient has proposed to conduct a timely and comprehensive remediation using federal brownfields funding at a petroleum tank release site that

has been determined by the department or the United States environmental protection agency to be eligible for petroleum brownfields funding and the proposed remediation plan is expected to meet or exceed remediation standards required by the department and financial commitments required by the petroleum tank release compensation board pursuant to Title 75, chapter 11, the department shall approve the comprehensive remediation plan and allow for the use of federal brownfields funding at the petroleum tank release site."

Insert: "NEW SECTION. Section 6. Use of petroleum brownfields funding acquired by state -- limitations. Prior to expending federal funds awarded to the state for the purpose of assessing or cleaning up petroleum tank release sites that are eligible for petroleum brownfields funding from the United States environmental protection agency under the federal Brownfields Revitalization and Environmental Restoration Act of 2001, Title II of Public Law 107-118, the department shall make a reasonable effort to coordinate with a grant recipient who may intend to expend federal brownfields funding to assess or remediate eligible petroleum brownfields sites in the grant recipient's brownfields target area and to ensure that the grant recipient is not intending to expend petroleum brownfields funding at the same eligible brownfields sites."

Insert: "Section 7. Section 75-11-307, MCA, is amended to read:

"75-11-307. Reimbursement for expenses caused by release.

(1) Subject to the availability of money from the fund under subsection (6), an owner or operator who is eligible under 75-11-308 and who complies with 75-11-309 and any rules adopted to implement those sections must be reimbursed by the board from the fund for the following eligible costs caused by a release from a petroleum storage tank:

(a) corrective action costs as required by a department-approved corrective action plan, except that if the corrective action plan:

(i) addresses releases of substances other than petroleum products from an eligible petroleum storage tank, the board may reimburse only the costs that would have reasonably been incurred if the only release at the site was the release of the petroleum or petroleum products from the eligible petroleum storage tank; or

(ii) includes the establishment of a petroleum mixing zone, as defined in 75-11-503, the board may reimburse the cost of an easement established pursuant to 75-11-508(3)(a); and

(b) compensation paid to third parties for bodily injury or property damage. The board may not reimburse for property damage until the corrective action is completed.

(2) An owner or operator may not be reimbursed from the fund for the following expenses:

(a) corrective action costs or the costs of bodily injury or property damage paid to third parties that are determined by the board to be ineligible for reimbursement;

(b) costs for bodily injury and property damage, other than corrective action costs, incurred by the owner or operator;

(c) penalties or payments for damages incurred under actions by the department, board, or federal, state, local, or tribal agencies or other government entities involving judicial or administrative enforcement activities and related negotiations;

(d) attorney fees and legal costs of the owner, the operator, or a third party;

(e) costs for the repair or replacement of a tank or piping or costs of other materials, equipment, or labor related to the operation, repair, or replacement of a tank or piping;

(f) expenses incurred before April 13, 1989, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund and expenses incurred before May 15, 1991, for owners or operators seeking reimbursement from the petroleum tank release cleanup fund for a tank storing heating oil for consumptive use on the premises where it is stored or for a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes;

(g) expenses exceeding the maximum reimbursements provided for in subsection (4);

(h) costs for which an owner or operator has received reimbursement or payment from an insurer or other third party, including a grantor; and

(i) expenses for work completed by or on behalf of the owner or operator more than 5 years prior to the owner's or operator's request for reimbursement. This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. The running of the 5-year limitation period is suspended by an appeal of the board's denial of eligibility for reimbursement. If a written request for hearing is filed under 75-11-309, the suspension of the 5-year limitation period is effective from the date of the board's initial eligibility denial to the date on which the initial eligibility denial is overturned or reversed by the board, a district court, or the state supreme court, whichever occurs latest. The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator.

(j) costs that the board has determined are not actual, reasonable, and necessary costs of responding to the release and implementing the corrective action plan, as provided for in 75-11-309, including costs included in a department-approved corrective action plan for the purpose of remediating the release in excess of department standards.

(3) An owner or operator may designate a person, including a grantor, as an agent to receive the reimbursement for eligible costs incurred by the person if the owner or operator remains legally responsible for all costs and liabilities incurred as a

result of the release.

(4) Subject to the availability of funds under subsection (6):

(a) for releases eligible for reimbursement from the fund that are discovered and reported on or after April 13, 1989, from a tank storing heating oil for consumptive use on the premises where it is stored or from a farm or residential tank with a capacity of 1,100 gallons or less that is used for storing motor fuel for noncommercial purposes, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first \$10,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of \$495,000 for all other releases; and

(b) for all other releases eligible for reimbursement from the fund that are discovered and reported on or after April 13, 1989, the board shall reimburse an owner or operator for:

(i) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and installed double-walled tank system releases that were discovered and reported on or after October 1, 1993, and before October 1, 2009; or

(ii) 50% of the first \$35,000 of eligible costs and 100% of subsequent eligible costs, up to a maximum total reimbursement of \$982,500 for all other releases.

(5) If an insurer or grantor pays or reimburses an owner or operator for costs that qualify as eligible costs under subsection (1), the costs paid or reimbursed by the insurer or grantor:

(a) are considered to have been paid by the owner or operator toward satisfaction of the 50% share requirements of subsection (4)(a)(ii) or (4)(b)(ii) if the owner or operator receives the payment or reimbursement before applying for reimbursement from the board;

(b) are not reimbursable from the fund unless the grantor is designated by the owner or operator as an agent to receive the reimbursement for eligible costs incurred by the grantor; and

(c) except for the amount considered to have been paid by the owner or operator pursuant to subsection (5)(a), are considered to have been reimbursed from the fund for purposes of determining when the board has paid the maximum amount payable from the fund under subsection (4)(a)(ii) or (4)(b)(ii).

(6) If the fund does not contain sufficient money to pay approved claims for eligible costs, a reimbursement may not be made and the fund and the board are not liable for making any reimbursement for the costs at that time. When the fund contains sufficient money, eligible costs must be reimbursed subsequently

in the order in which they were approved by the board.""

Insert: "Section 8. Section 75-11-309, MCA, is amended to read:

"75-11-309. Procedures for reimbursement of eligible costs -- corrective action plans. (1) An owner or operator seeking reimbursement for eligible costs and the department shall comply with the following procedures:

(a) If an owner or operator discovers or is provided evidence that a release may have occurred from the owner's or operator's petroleum storage tank, the owner or operator shall immediately notify the department of the release and conduct an initial response to the release in accordance with state and federal laws and rules to protect the public health and safety and the environment.

(b) Except for a tank for which a permit is sought under 75-11-308(1)(b)(iii) and that is closed within 120 days of discovery of the release, following discovery of the release, the petroleum storage tank must remain in compliance with applicable state and federal laws and rules that the board determines pertain to prevention and mitigation of petroleum releases.

(c) The owner or operator shall conduct a thorough investigation of the release, report the findings to the department, and, as determined necessary by the department, prepare and submit for approval by the department a corrective action plan that conforms with state, tribal (when applicable), and federal corrective action requirements.

(d) (i) The department shall review the corrective action plan and forward a copy to a local government office and, when applicable, a tribal government office with jurisdiction over a corrective action for the release. The local or tribal government office shall inform the department if it wants any modification of the proposed plan.

(ii) Based on its own review and comments received from a local government, tribal government, or other source, the department, subject to [section 5(4)(b)], may approve the proposed corrective action plan, make or request the owner or operator to modify the proposed plan, or prepare its own plan for compliance by the owner or operator. A plan finally approved by the department through any process provided in this subsection (1)(d) is the approved corrective action plan.

(iii) After the department approves a corrective action plan, a local government or tribal government may not impose different corrective action requirements on the owner or operator.

(e) A corrective action plan prepared by the owner, operator, or department for any petroleum storage tank release may include the establishment of a petroleum mixing zone as defined in 75-11-503.

(f) The department shall notify the owner or operator of its approval of a corrective action plan and shall promptly submit a copy of the approved corrective action plan to the board. Upon review, the board may request that the corrective

action plan be amended pursuant to 75-11-508 to include a petroleum mixing zone. If the department finds that the conditions for establishment of a petroleum mixing zone in 75-11-508 are satisfied, the corrective action plan must be amended to include a petroleum mixing zone.

(g) The owner or operator shall implement the corrective action plan or plans approved by the department until the release is resolved. The department may oversee the implementation of the plan, require reports and monitoring from the owner or operator, undertake inspections, and otherwise exercise its authority concerning corrective action under Title 75, chapter 10, part 7, Title 75, chapter 11, part 5, and other applicable law and rules.

(h) (i) The owner or operator shall document in the manner required by the board all expenses incurred in preparing and implementing the corrective action plan. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(ii) The board shall review each claim and determine if the claims are actual, reasonable, and necessary costs of responding to the release and implementing the corrective action plan.

(iii) If the board requires additional information to determine if a claimed cost is actual, reasonable, and necessary, the board may request comment from the department and the owner or operator.

(iv) If the department determines that an owner or operator is failing to properly implement a corrective action plan, it shall notify the board.

(i) The owner or operator shall document, in the manner required by the board, any payments to a third party for bodily injury or property damage caused by a release. The owner or operator shall submit claims and substantiating documents to the board in the form and manner required by the board.

(j) In addition to the documentation in subsections (1)(h) and (1)(i), when the release is claimed to have originated from a properly designed and installed double-walled tank system, the owner or operator shall document, in the manner required by the board, the following:

(i) the date that the release was discovered; and

(ii) that the originating tank was part of a properly designed and installed double-walled tank system.

(2) If an owner or operator is issued an administrative order for failure to comply with requirements imposed by or pursuant to Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, all reimbursement of claims submitted after the date of the order must be suspended. Upon a written determination by the department that the owner or operator has returned to compliance with the requirements of Title 75, chapter 11, part 5, or rules adopted pursuant to Title 75, chapter 11, part 5, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect

and duration of the noncompliance.

(3) The board shall review each claim received under subsections (1)(h) and (1)(i), make the determination required by this subsection, inform the owner or operator of its determination, and, as appropriate, reimburse the owner or operator from the fund. Before approving a reimbursement, the board shall affirmatively determine that:

(a) the expenses for which reimbursement is claimed:
 (i) are eligible costs; and
 (ii) were actually, necessarily, and reasonably incurred for the preparation or implementation of a corrective action plan approved by the department or for payments to a third party for bodily injury or property damage; and

(b) the owner or operator:
 (i) is eligible for reimbursement under 75-11-308; and
 (ii) has complied with this section and any rules adopted pursuant to this section. Upon a determination by the board that the owner or operator has not complied with this section or rules adopted pursuant to this section, all reimbursement of pending and future claims must be suspended. Upon a determination by the board that the owner or operator has returned to compliance with this section or rules adopted pursuant to this section, suspended and future claims may be reimbursed according to criteria established by the board. In establishing the criteria, the board shall consider the effect and duration of the noncompliance.

(4) (a) If an owner or operator disagrees with a board determination under subsection (3), the owner or operator may submit a written request for a hearing before the board.

(b) A written request for a hearing must be received by the board within 120 days after notice of the board's determination is served on the owner or operator by certified mail. The notice of determination must advise the owner or operator of the 120-day time limit for submitting a written request for a hearing to the board. Not less than 50 days or more than 60 days after the board serves the notice of determination, the board shall serve on the owner or operator a second notice by certified mail advising the owner or operator of the deadline for requesting a hearing. Service by certified mail is complete on the date shown on the certified mail receipt.

(c) If a written request is received within 120 days, the hearing must be held at a meeting of the board or as otherwise permitted under the Montana Administrative Procedure Act no later than 120 days following receipt of the request or at a time mutually agreed to by the board and the owner or operator.

(d) If a written request is not received within 120 days, the determination of the board is final.

(5) The board shall obligate money for reimbursement of eligible costs of owners and operators in the order that the costs are finally approved by the board.

(6) (a) The board may, at the request of an owner or operator, guarantee in writing the reimbursement of eligible

costs that have been approved by the board but for which money is not currently available from the fund for reimbursement.

(b) The board may, at the request of an owner or operator, guarantee in writing reimbursement of eligible costs not yet approved by the board, including estimated costs not yet incurred. A guarantee for payment under this subsection (6) (b) does not affect the order in which money in the fund is obligated under subsection (5).

(c) When considering a request for a guarantee of payment, the board may require pertinent information or documentation from the owner or operator. The board may grant or deny, in whole or in part, any request for a guarantee.""

Insert: "NEW SECTION. Section 9. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 75, chapter 11, and the provisions of Title 75, chapter 11, apply to [sections 1 through 6]."

Insert: "NEW SECTION. Section 10. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval."

- END -



HOUSE STANDING COMMITTEE REPORT

March 30, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 361** (third reading copy -- blue) **be concurred in.**

Signed:

Representative Kerry White, Chair

To be carried by Representative Ray Shaw

- END -

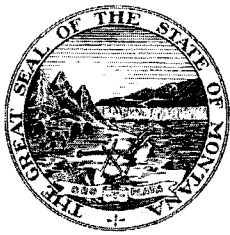
Committee Vote:

Yes 12, No 6

Fiscal Note Required ☐

SB0361001SC15144.hbb

W
3/30/15
5:30pm



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

BILL NUMBER 355

DATE 3/30

MOTION Be concurred in as amended
Fitzpatrick carries

NAME	AYE	NO	PROXY
REP. ED LIESER, VICE CHAIRMAN	✓		✓
REP. JERRY BENNETT	.	✓	
REP. BOB BROWN		✓	
REP. ZACH BROWN	✓		
REP. VIRGINIA COURT	✓		
REP. MARY ANN DUNWELL	✓		
REP. STEVE FITZPATRICK, VICE CHAIRMAN	✓		
REP. KELLY FLYNN	✓		
REP. THERESA MANZELLA		✓	
REP. NATE MCCONNELL	✓		
REP. DALE MORTENSEN		✓	
REP. MARK NOLAND		✓	
REP. ANDREA OLSEN	✓		
REP. KEITH REGIER		✓	
REP. RAY SHAW	✓		
REP. SCOTT STAFFANSON		✓	
REP. KATHLEEN WILLIAMS	✓		
REP. KERRY WHITE, CHAIR		✓	

10 8

18 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

BILL NUMBER S3118

DATE 3/30/2015

MOTION Be amended

NAME	AYE	NO	PROXY
REP. ED LIESER, VICE CHAIRMAN		✓	✓
REP. JERRY BENNETT		✓	
REP. BOB BROWN		✓	
REP. ZACH BROWN		✓	
REP. VIRGINIA COURT		✓	
REP. MARY ANN DUNWELL		✓	
REP. STEVE FITZPATRICK, VICE CHAIRMAN	✓		
REP. KELLY FLYNN		✓	
REP. THERESA MANZELLA		✓	
REP. NATE MCCONNELL	✓		
REP. DALE MORTENSEN		✓	
REP. MARK NOLAND		✓	
REP. ANDREA OLSEN	✓		
REP. KEITH REGIER		✓	
REP. RAY SHAW		✓	
REP. SCOTT STAFFANSON	✓		
REP. KATHLEEN WILLIAMS		✓	
REP. KERRY WHITE, CHAIR	✓		

5 13

18 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 361

DATE 3/30/2015

MOTION Be concurred

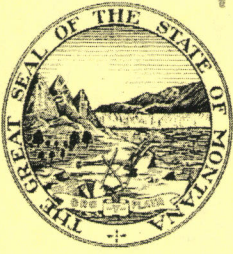
Rep Shaw will carry

NAME	AYE	NO	PROXY
REP. ED LIESER, VICE CHAIRMAN	✓		✓
REP. JERRY BENNETT		✓	
REP. BOB BROWN		✓	
REP. ZACH BROWN	✓		
REP. VIRGINIA COURT	✓		
REP. MARY ANN DUNWELL	✓		
REP. STEVE FITZPATRICK, VICE CHAIRMAN	✓		
REP. KELLY FLYNN		✓	
REP. THERESA MANZELLA		✓	
REP. NATE MCCONNELL	✓		
REP. DALE MORTENSEN	✓		
REP. MARK NOLAND		✓	
REP. ANDREA OLSEN	✓		
REP. KEITH REGIER	✓		
REP. RAY SHAW	✓		
REP. SCOTT STAFFANSON		✓	
REP. KATHLEEN WILLIAMS	✓		
REP. KERRY WHITE, CHAIR	✓		

12 6

18 MEMBERS

Rep Lieser



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the

Natural Resources Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Zach Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

BILL/AMENDMENT

AYE

NO

SB 102	X	
SB 118		
SB 011871. ajm		X
6 motion to table	X	
SB 035501. ASN	X	
SB 355	X	
SB 361	X	

Rep.

Edward D. Lieser
(Signature)

Date

3-30-15

MONTANA House of Representatives Visitors Register

Monday, March 30, 2015

SB 325 - Revise process for adopting water quality regulations

Sponsor: **Sen. Jim Keane**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

Monday, March 30, 2015

SB 47 - Increase assessments on owners of classified forest land

Sponsor: Sen. JP Pomnichowski

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register

SB 329 - Limit liability for aviation on state lands

Sponsor: Sen. Pat Connell

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Kolman, Joe

From: Julia Altemus <julia@montanaforests.com>
Sent: Monday, March 30, 2015 2:51 PM
To: Representative White; Kolman, Joe; Representative Fitzpatrick; Ed Lieser
Subject: SB 47

Hello

I cannot make House Natural Resources today. Wanted to let you know MWPA supports SB 47.

thanks

Julia Altemus
Executive Vice President
Montana Wood Products Assoc.
PO Box 1967
Missoula, MT 59806
(406) 241-7047
julia@montanaforests.com
www.montanaforests.com

MONTANA
Wood Products
ASSOCIATION



Recreational Aviation Foundation

1711 West College ST., Bozeman, MT 59715

406-582-1723

www.theraf.org

ADDITIONAL
DOCUMENTS

To: Montana House Natural Resources Committee:
Representatives White, Fitzpatrick, Lieser, Bennett, Bob
Brown, Zach Brown, Court, Dunwell, Flynn, Manzella, McConnell,
Mortensen, Noland, Olsen, Regier, Shaw, Staffanson, Williams

March 30, 2015

RE: SB 329, Sponsor Senator Connell

Greetings,

Since 2003, the Recreational Aviation Foundation has promoted safe, responsible recreational aviation. We have 419 members in Montana, among our over 6,200 total national membership.

Early on, we examined each state's Recreational Use Statutes that protect land owners from liability for recreational use. Several states included aviation. Using their codified language, we modeled legislation for passage in states that had overlooked aviation. As of today, twenty-four states include non-commercial recreational aviation; some specify both private and public lands.

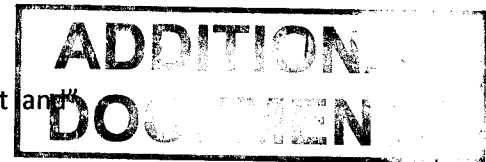
SB 329 does not grant permission for access. It places responsibility upon the recreational user. Our goal was to ensure this liability protection, which has resulted in more landowners granting permission for the use of their airstrips.

In 2007, Montana successfully added aviation to its list of recreational uses on private lands; now we seek to add aviation to Montana's state land, as Idaho did in 2006; Washington (unanimously) in 2012; and Wyoming in 2013, just to name a few.

We asked Senator Connell to sponsor this bill. Thank you for your consideration.

Respectfully,
Recreational Aviation Foundation

John McKenna, President, CEO



Good afternoon, Mr. Chairman and members of the committee,

My name is Bob Harrington, Administrator of DNRC Forestry Division. I submit the following comments on SB47 on behalf of the Department.

DNRC understands the sensitive nature of wildfire protection fees assessed on forest landowners within this state, and strives to build and maintain a fire and aviation program that is both effective and cost efficient for landowners and state taxpayers as well. Toward that end, we work hard to minimize program cost increases and the resulting need to return to this body to request a fee increase. The last time we requested and received an increase was in the 2007 legislative session.

Nonetheless, with the proposed budget for the 2017 biennium, we have reached the maximum assessment rates established in 2007. If our proposed budget is approved, the state general fund would contribute 69% of the total DNRC fire and aviation program appropriation. Past legislative direction has been to set the assessment rates equal to 1/3 of the total appropriation, leaving the general fund to contribute 2/3, or 66%.

We believe the proposed rates of \$50/parcel and \$0.30/acre represent a modest increase from the current rates. If SB47 is passed, the state general fund will continue to fund 2/3 of the DNRC fire and aviation program, and the wildfire suppression fund will continue to pay for 100% of the wildfire costs for state and private landowners in Montana.

If SB47 does not pass, the alternatives will be to fund an increasing proportion of the fire and aviation program with state general fund, or to eventually reduce firefighting staff and resources.

DNRC Testimony
SB47: "Increase assessments on owners of classified forest land"
March 30, 2015
House Natural Resources, 3pm Rm172

We are aware of concerns about the level of service provided to private forest landowners where wildfire protection has been exchanged between DNRC and federal agencies. DNRC is committed to resolve those issues and develop new protocols to ensure that affected landowners receive equivalent fire protection regardless of jurisdiction.

The Department is also aware of the perspective that assessments within direct protection boundaries are underwriting the costs of providing wildfire training and assistance to the counties. Expanding assessments to address this issue is understandably controversial, and beyond the scope of this bill.

SB47 represents continued investment and confidence in our program by the state of Montana and by those landowners who directly benefit from this service. It is important to our ability to adequately fund the people and resources needed to meet the wildfire challenge ahead.

We appreciate your consideration of this bill, and request your support.

Thank you, Mr. Chairman. I am available for questions from the committee.